United Nations S/RES/1398 (2002)

Security Council

Distr.: General

15 March 2002

Resolution 1398 (2002)

Adopted by the Security Council at its 4494th meeting, on 15 March 2002

The Security Council,

Recalling resolutions 1298 (2000) of 17 May 2000, 1308 (2000) of 17 July 2000, 1312 (2000) of 31 July 2000, 1320 (2000) of 15 September 2000, 1344 (2001) of 15 March 2001 and 1369 (2001) of 14 September 2001, the statements of its President of 9 February 2001 (S/PRST/2001/4), 15 May 2001 (S/PRST/2001/14) and of 15 January 2002 (S/PRST/2002/1), and all other relevant previous resolutions and statements pertaining to the situation between Ethiopia and Eritrea,

Further recalling the report of 27 February 2002 of the Security Council Mission to Ethiopia and Eritrea undertaken in the period 21 to 25 February 2002 (S/2002/205),

Reaffirming the commitment of all Member States to the sovereignty, independence and territorial integrity of Ethiopia and Eritrea,

Further reaffirming the need for both parties to fulfil their obligations under international law, including international humanitarian law, human rights law and refugee law, and to ensure the safety of all personnel of the United Nations, the International Committee of the Red Cross (ICRC) and other humanitarian organizations,

Reaffirming its strong support for the Comprehensive Peace Agreement between the Government of the State of Eritrea and the Government of the Federal Democratic Republic of Ethiopia, signed in Algiers on 12 December 2000 (S/2000/1183), and the preceding Agreement on Cessation of Hostilities (S/2000/601), signed in Algiers on 18 June 2000 (hereafter referred to collectively as the "Algiers Agreements"),

Further reaffirming its strong support for the help in implementing the Algiers Agreements continuously provided by the Secretary-General and his Special Representative, including through their good offices,

Reaffirming its strong support for the role played by the United Nations Mission in Ethiopia and Eritrea (UNMEE) in the implementation of its mandate and facilitation of a peaceful settlement of the dispute,

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Further reaffirming its strong support for the Organization of African Unity (OAU) Liaison Mission in Ethiopia-Eritrea (OLMEE) and inviting the Secretary-General of OAU to continue the organization's full support of the peace process,

Having considered the report of the Secretary-General of 8 March 2002 (S/2002/245),

1. *Decides* to extend the mandate of UNMEE at the troop and military observer levels authorized by its resolution 1320 (2000) until 15 September 2002;

2. *Expresses* its satisfaction and anticipation that a final legal settlement of the border issues is about to be reached in accordance with the Algiers Agreements, and *welcomes* in this regard recent statements by both parties reaffirming that the upcoming border delimitation determination (hereafter referred to as "the decision") by the Boundary Commission is final and binding;

3. *Commends* the parties on the progress made thus far in implementing the Algiers Agreements, including the continued observance of the Temporary Security Zone (TSZ) and the steps taken in cooperation with the United Nations Cartographer to prepare for the implementation of the decision by the Boundary Commission once it is announced;

4. *Calls on* the parties to cooperate fully and expeditiously with UNMEE in the further implementation of its mandate, to abide scrupulously by the letter and spirit of their agreements and to engage closely with the Special Representative of the Secretary-General regarding the implementation of the decision by the Boundary Commission, including expeditiously engaging with UNMEE on their plans for the demining necessary for demarcation;

5. *Emphasizes* the importance of ensuring expeditious implementation of the upcoming decision by the Boundary Commission while maintaining stability in all areas affected by the decision, and *encourages* the parties to consider further practical ways and means of conducting implementation-related consultations, possibly through appropriate strengthening of the Military Coordination Commission and/or other arrangement with the support of the guarantors, facilitators and witnesses of the Algiers Agreements;

6. *Further emphasizes* that in accordance with article 14 of the Agreement on Cessation of Hostilities, the security arrangements are to remain in effect, and that, accordingly, arrangements for the separation of forces, as achieved by the TSZ, will continue to be of key importance;

7. *Emphasizes* that any transfer of territory and civil authority, as well as population movements and movements of troops, pursuant to the decision by the Boundary Commission, should take place in an orderly manner through dialogue and modalities facilitated by the United Nations, in accordance with article 4.16 of the Comprehensive Peace Agreement, and without any unilateral actions;

8. *Further emphasizes* that until the border demarcation has been completed, UNMEE will continue to discharge its mandate;

9. *Emphasizes* its resolve to support the parties in the implementation of the decision by the Boundary Commission and *invites* the Secretary-General to submit, as soon as possible, recommendations to the Council on how UNMEE can play an appropriate role in the border demarcation process, including with regard to

demining for demarcation, taking into account the decision by the Boundary Commission, the contributions by the parties, the capacity of UNMEE and the resources available in the United Nations Trust Fund in support of the Delimitation and Demarcation of the Border between Ethiopia and Eritrea;

10. *Calls again* on Eritrea, notwithstanding the prior notification procedure, to provide UNMEE with full freedom of movement to monitor the redeployed forces, to disclose the number, strength and disposition of its militia and police inside the TSZ, and to conclude the status-of-forces agreement with the Secretary-General;

11. *Urges* Ethiopia to provide the United Nations Mine Action Coordination Centre with clarifications to the information already put forward, as promised in this regard;

12. *Expresses* its concern that there has been no progress regarding the establishment of a direct high-altitude flight route for UNMEE between Asmara and Addis Ababa, and *calls* again on the parties to work with the Special Representative of the Secretary-General in a spirit of compromise to settle the issue for the mutual benefit of all;

13. *Calls on* the parties to release and return without further delay all remaining prisoners of war and civilian internees under the auspices of the ICRC in accordance with the Geneva Conventions and the Algiers Agreements;

14. *Further calls on* the parties to take other measures that will build confidence and promote reconciliation between the two peoples for their mutual benefit, including by affording humane treatment to each other's nationals in accordance with the Algiers Agreements; facilitating sustainable reintegration of refugees, internally displaced persons and demobilized soldiers; promoting cross-border contacts at the local level aimed at resolving disputes and rebuilding community relations; and by facilitating further dialogue among civil society at all levels in the two countries, such as that recently undertaken by the religious leaders;

15. *Encourages* the parties to make arrangements enabling UNMEE to disseminate information to relevant population groups in the mission area about the delimitation and demarcation of the border between the two countries and the role of the United Nations in this regard;

16. *Further encourages* the parties to focus on reconstruction and development of their economies and on improving their relations, for the benefit of all the people and with the view to promoting regional peace and security;

17. *Encourages* the guarantors, facilitators and witnesses of the Algiers Agreements to provide their continued support for the peace process and *invites* all States and international organizations to support the process, including by exercising the highest degree of responsibility in discouraging arms flows to the region and through providing contributions to the Trust Fund to Support the Peace Process in Ethiopia and Eritrea, the Trust Fund for the Delimitation and Demarcation of the Border between Ethiopia and Eritrea and to the United Nations Consolidated Appeals Process for 2002;

18. *Decides* to remain actively seized of the matter.